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Massachusetts Gaming Commission Releases Protocol for Prospective Gaming Developers' Interactions with Massachusetts State Agencies

Recently the Massachusetts Gaming Commission announced that it is now accepting preliminary application fees in the amount of \$400,000 from prospective gaming developers. In the wake of that announcement, MGC is releasing the established protocols for those applicants to interact with state agencies.

It is the intention of the Executive Branch of the Commonwealth (Executive Branch) and the Massachusetts Gaming Commission (MGC) to create a prompt, efficient and transparent mechanism for prospective gaming developers to acquire the information that they need to advance their proposals. It is also the intention of the Executive Branch and the MGC to organize the inquiries from developers in such a way as to minimize the burden on the developers and the multiple state agencies that will necessarily be involved.

In order to implement this intention, the Executive Branch and MGC have agreed on the following protocol for servicing prospective developers. In understanding this protocol, it should be noted that the MGC has determined that a prospective developer will become an "applicant," as defined in its enabling legislation and in this protocol, once a developer has paid the \$400,000 license application fee called for in M.G.L. c. 23K, Section 15(11). This payment, along with an executed "Statement of Intent to Apply," may be submitted to the Commission any time between August 8, 2012 and the time a completed Request for Applications-Phase One (RFA-1) which is expected to be issued by the Commission in October-November 2012 is submitted to the Commission. It should also be noted that the MGC intends to obtain the services of a point person ("ombudsman") to be the single point of contact for potential developers to coordinate their relationships with state agencies. Similarly, each affected agency will appoint a single key contact person for this protocol.

The protocol has three different stages of operation:

- **PRIOR TO BECOMING AN "APPLICANT"**

Prospective gaming developers will have the opportunity to have one meeting organized by the ombudsman. This meeting may have representatives of all of the state agencies requested by the developer. In this phase of operation, the developer may also submit written inquiries to the ombudsman, who will pass the inquiries onto the relevant state agencies; each Secretariat in the

Executive Branch will endeavor to provide responsive information to the Gaming Commission within two business days of each inquiry. The ombudsman shall keep a record of all inquiries.

- **POST-QUALIFICATION AS AN “APPLICANT” AND PRE-LICENSE AWARD**

Once a developer has qualified as an applicant and paid the \$400,000 license application fee, each developer may request as many meetings with state agencies as are reasonably necessary to complete its application to the MGC in the competition for license awards (Request for Application-Phase Two, or RFA-2). All such requests will be directed through the MGC ombudsman, and all meetings will be coordinated by the ombudsman and the key contact person at each state agency. The ombudsman shall keep a record of all meetings.

- **POST-LICENSE AWARD**

Once an applicant is selected to be the expanded gaming licensee in a region, licensees will work directly with administration officials and state agencies, without needing to contact the ombudsman, to pursue all regulatory parameters required to establish the gaming facility.

About MGC

The mission of the Massachusetts Gaming Commission is to create a fair, transparent, and participatory process for implementing the expanded gaming law passed by the Legislature and signed by the Governor in November, 2011. In creating that process, the Commission will strive to ensure that its decision-making and regulatory systems engender the confidence of the public and participants, and that they provide the greatest possible economic development benefits and revenues to the people of the Commonwealth, reduce to the maximum extent possible the potentially negative or unintended consequences of the new legislation, and allow an appropriate return on investment for gaming providers that assures the operation of casino-resorts of the highest quality. For more information on MGC, please visit www.mass.gov/gaming or connect and share on Twitter (@MassGamingComm) or Facebook (www.facebook.com/MAGamingComm).

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